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DATE FILED: <u>7/14/08</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMSLEY HUBBARD

Plaintiff

-against-

THE CITY OF NEW YORK, THE NEW YORK
CITY POLICE DEPARTMENT and JOHN DOE
POLICE OFFICERS 1-5,

Notice
**STIPULATION AND
ORDER OF VOLUNTARY
WITHDRAWAL AND
DISMISSAL**

07-CV-3626(MGC)

Defendants.

-----X

WHEREAS, plaintiff Emsley Hubbard, commenced this action by filing a complaint on or about May 7, 2007, alleging that certain of his federal and state law rights were violated; and

WHEREAS, pursuant to plaintiff's counsel's representations at the status conference held on June 26, 2008, before the Honorable Miriam Cedarbaum, that plaintiff is unable, due to incarceration, to pursue claims that could arise from allegations in the complaint against defendants City of New York and the New York City Police Department, their successors or assigns; and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, or the City of New York;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by MHC and between the undersigned as follows:

The above-referenced action is hereby voluntarily withdrawn and dismissed in its entirety without prejudice, and without costs, expenses, or fees to any party.

Dated: New York, New York
July 1, 2008

STEPHEN JACKSON, ESQ.

Attorney for Plaintiff

350 Fifth Avenue, Suite 2310
New York, New York 10118
(212) 643-2394

By:

STEPHEN JACKSON

SO ORDERED:

U.S.D.J MIRIAM GOLDMAN CEDARBAUM

July 14, 2008